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ATTORNEY FOR THE DEFENDANTS

COTTMAN TRANSMISSION SYSTEMS,
LLC

: IN THE UNITED STATES
: DISTRICT COURT FOR THE
: EASTERN DISTRICT OF
: PENNSYLVANIA

vs.

JAMES R. WOLFSGRUBER and JRW, INC. : NO. 08 0369

FILED

FEB 18 2008

DEFENDANTS' ANSWER TO THE COMPLAINT

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

INTRODUCTION

Under Pennsylvania law it is improper to file two (2) actions in two (2) courts on the same issue. Spinelli vs. Maxwell, 243 A.2d 425 (Pa. 1968); Turner vs. Crawford, 449 F.3d 543 (3rd Cir. 2006). There is an identical case pending in Montgomery County, Pennsylvania. (Exhibit "A")

ANSWER

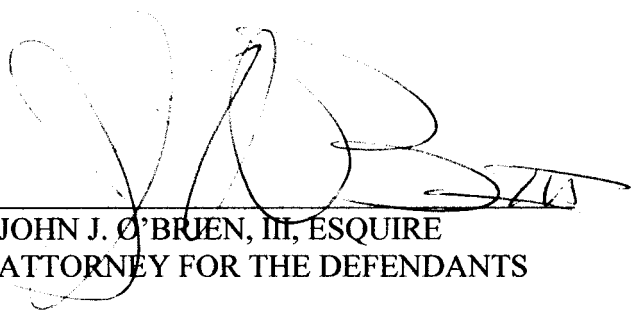
1. Denied as stated.
2. Denied as stated.
3. Denied as stated.

4-68. Denied, because under Pennsylvania law it is improper to file two (2) actions in two (2) courts on the same issue. Spinelli vs. Maxwell, 243 A.2d 425 (Pa. 1968); Turner vs. Crawford, 449 F.3d 543 (3rd Cir. 2006). There is an identical case pending in Montgomery County, Pennsylvania. (Exhibit "A")

WHEREFORE, the Complaint should be dismissed.

ANSWER TO RELIEF SOUGHT

The Relief sought by Cottman should be denied because under Pennsylvania law it is improper to file two (2) actions in two (2) courts on the same issue. Spinelli vs. Maxwell, 243 A.2d 425 (Pa. 1968); Turner vs. Crawford, 449 F.3d 543 (3rd Cir. 2006). There is an identical case pending in Montgomery County, Pennsylvania. (Exhibit "A")



JOHN J. O'BRIEN, III, ESQUIRE
ATTORNEY FOR THE DEFENDANTS

03/09/18 PM 10:47
FILED
CLERK OF COURT

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

CIVIL ACTION – LAW

COTTMAN TRANSMISSION :

VS. : NO: 07-21491

JAMES R. WOLFSGRUBER, ET AL :

ORDER SUR MOTION TO OPEN AND/OR STRIKE THE JUDGMENT

AND NOW, this 23RD day of JANUARY 2008,
an Answer having been filed, the matter is ORDERED on the Argument List upon the filing of an
Argument Praecipe, in duplicate, with the Office of the Prothonotary. Said Praecipe is not to be
filed until discovery, if any is needed, is completed and if needed, discovery shall be completed
within sixty (60) days from the date of this order.

BY THE COURT:



Michael R. Kehs
Court Administrator

cc: JOHN J. O'BRIEN, III, ESQ

**SPECIAL NOTE: COUNSEL FOR MOVING PARTY IS
RESPONSIBLE TO SERVE COUNSEL FOR ALL OTHER PARTIES
AND ALL UNREPRESENTED PARTIES WITH A COPY OF THIS
ORDER AND SHALL FILE A CERTIFICATE OF SERVICE WITH
THE PROTHONOTARY**